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GOVERNMENT GAZETTE

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SUPPLEMENT

(SUPLEMENTO)

GOVERNMENT OF GOA, DAMAN AND DIU

Law and Judicial Department

Notification

LD/2/13/68-N-91-69

In exercise of the powers conferred by clauses (8) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling him in that behalf and in supersession of any rules relating to prison buildings and sanitary arrangements in force in any part of the Union territory of Goa, Daman and Diu, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa, Daman and Diu Prisons (prison buildings and sanitary arrangements) Rules, 1969.

(2) They shall come into force on the first day of May, 1969.

2. Prison buildings to be in charge of Public Works Department.— Prison buildings including the quarters for the staff within prison premises shall be in charge of the Public Works Department and no additions or alterations in, or dismantling of any such buildings whether or not sanctioned by the Inspector-General shall be carried out without the approval of that Department.

3. Use of land in vicinity of prisons.— No Government land within 61 metres on the main wall of a prison shall be leased for non-agricultural purposes:

Provided that the Collector may lease such land for agricultural purposes for short periods.

4. White-washing of wards and prison hospitals.—

(1) The wards in a prison shall be thoroughly swept and cleaned daily.

(2) The walls and ceilings of the wards shall be scraped and white-washed once a year and those of the hospital twice, or oftener, if necessary. The date of the white-washing shall be shown in distinct figures on the wall of the barracks opposite the entrance door.

(3) The prison area and the surrounding ground shall be kept clean and free from all jungle grass and weeds and shall be thoroughly drained by either shallow or sub-soil drains to ensure the dryness of the prison area and to prevent the accumulation of water near the prison. Open drains shall, if possible, be used.

5. Maintenance of cleanliness in prison.—All parts of a prison shall be kept thoroughly clean and no rubbish or dirt be allowed to accumulate in any part thereof. The Superintendent shall take special care to see that cleanliness in the kitchen is maintained and refuse is not thrown about anywhere.

6. Pits in work-sheds to be kept damp-proof.— Work-shed floors shall be filled with damp-proof pit looms.

7. Public nuisances etc. not to be permitted near prison.— Public privies, dye works, open drains or similar other nuisances likely to affect the health of prisoners shall not, as far as possible, be permitted near a prison.

8. Planting of trees in and around prison.— Suitable types of trees shall be planted on the prison premises both inside and outside the main wall, in such a way that they are away from prison buildings and walls so that they cannot be used as an aid to escape or to make any mischief.

9. Additions and alterations to buildings.—No additions or alterations to any existing building shall be made without the orders and no plans and estimates shall be prepared by the Superintendent without the sanction of the Inspector-General.

10. Administrative approval for construction.—The Superintendent shall submit proposals for construction of wards, cells and other places of detention (including additions or alterations thereto) to the Inspector-General for administrative approval. Such proposals shall be accompanied by a preliminary report specifying the position of the building proposed to be constructed, description of the building, approximate estimate, plans and other necessary details and particulars. The Superintendent shall obtain approximate estimate of the proposed construction from the Public Works Department with the prior sanction of the Inspector-General.

11. Superintendent to visit frequently work under execution.—(1) The Superintendent shall visit from time to time the work under execution and see that it is carried out according to the approved plan and estimate. In the event of any hitch or difficulty, the Superintendent shall if it is within his powers, give the matter prompt attention and assist the Public Works Department authorities in removing it.

(2) The Superintendent shall at once report to the Inspector-General, the defects and irregularities noticed by him in the construction of wards, cells and other places of detention.

12. Area of prison.—The area enclosed within the prison walls shall not be less than 83.61 square metres per head of the total capacity, except where land is valuable, the minimum area may be 62.71 square metres per prisoner.

13. Minimum space per prisoner in sleeping barracks.—In every sleeping barrack the minimum space per prisoner shall be as far as possible 3.71 square metres and 15.83 cubic metres and in hospital wards 5.58 square metres and 23.75 cubic metres.

14. Ground area in cells.—Cells shall have a ground area of not less than 8.92 square metres and a cubic capacity of at least 33.98 cubic metres.

15. Provision for ventilation in barracks, wards cells.—Free and thorough ventilation in barracks, wards and cells shall be secured by the provisions of large barred doors and windows constructed in opposite walls. The total area of these openings shall be at the rate of 1.17 square metres per head of the sanctioned number of prisoners which the barrack or ward is designed to accommodate. In the case of a cells, the ventilating area shall be at least 2.23 square metres.

16. Sleeping berths in barracks.—In each barrack masonry or iron frame sleeping berths 1.83 metres \times 91.24 centimetres \times 45.71 centimetres high may be provided, if practicable. The number of such berths shall not be greater than the sanctioned capacity of the barrack and they shall be arranged in two parallel rows. In the case of masonry berths, great care shall be taken to prevent them from being infested with bugs.

17. Utilization of worksheds as sleeping wards when prison is over crowded.—In the event of a

prison being overcrowded, the Superintendent shall either utilise worksheds as sleeping wards or accommodate the excess number of prisoners in huts or tents and report the circumstances to the Inspector-General.

18. Floors of barracks and cells.—The floors of all barracks and cells shall be paved with stone or made of other impermeable material such as concrete or asphalt.

19. Verandahs.—All barracks, wards and cells shall have verandahs to prevent rain from drifting inside and also to provide shelter where food can be served, when necessary. Verandahs may also be used as work places and for accommodating short term prisoners during the night in case of overcrowding in the prison.

20. Night latrine to be annexed to sleeping barrack and ward.—A night latrine shall be annexed to every sleeping barrack and ward. Conservancy vessels shall not be placed inside a barrack.

21. Worksheds.—All worksheds shall be amply lighted and ventilated.

22. Area of each barrack and ward to be indicated on door.—There shall be affixed a zinc, brass, or wooden plate on the door of every barrack or ward, specifying the number of cubic metres and the surface area which the barrack or ward contains and the maximum number of prisoners which it is capable of accommodating.

23. Visit to sleeping wards by Superintendent and Medical Officer.—The Superintendent and the Medical Officer shall, in all seasons at uncertain intervals, visit the sleeping barracks in the prison at night and see that arrangements in respect of ventilation are adequate, properly controlled and are not obstructed by prisoners in the cold season to ensure warmth.

24. Ventilation in sleeping wards.—(1) All possible arrangement shall be made for thorough ventilation of sleeping wards during the day, to remove such organic matter adhering to the walls as are slowly oxidised.

(2) Beddings shall be removed out of the sleeping wards and exposed to the sun for several hours daily in dry weather and in wet weather to air in verandahs, if any.

25. Conservancy arrangements.—(1) The Superintendent, Assistant Superintendent, Medical Officer, the Jailor and all subordinate executive staff of a prison shall ensure that proper attention is paid to conservancy.

(2) There shall be provided in a prison latrine accommodation at the rate of one seat for every prisoners and such latrines shall—

(i) be constructed of stone or galvanised iron sheets without using wood anywhere in such construction;

(ii) have a sufficiently high partition to divide each seat from the other and dwarf door in order to provide reasonable privacy;

(iii) have seats provided with foot rests made of blocks of stone;

(iv) have floors paved with blocks of stone or some other impermeable material, and

(v) have arrangements for water for ablution at or close to the latrine.

26. Cleaning of latrines and urinals. — Latrines and urinals shall be cleaned out every morning and evening, and if necessary, in the middle of the day.

27. Night latrines. — Receptacles one fourth full of water in which prisoners may pass urine shall be placed in every night latrine and in every cell before lock up each evening and near each work-shed or other place of labour. Such receptacles shall not be used for defecation and shall not be placed inside a barrack. Receptacles placed in cells shall have close fitting lids.

28. Latrines etc. to be painted with coaltar or smeared with crude oil or pesterine. — Liquid disinfectants such as phenyle or cresol shall not be used for latrines, latrine receptacles or dains but they shall be painted occasionally with coal tar and smeared frequently with crude oil or esterine.

29. Disposal of foecal matter, refuse etc. — All foecal matter, refuse of the kitchen and sweepings of the prison shall be buried in shallow trenches in the prison garden or made into compost. Useless rubbish which cannot be converted into manure may be burnt.

30. Construction of trenches. — The trenches in a prison shall —

(1) be about 30.48 centimetres wide and 30.48 centimetres deep with a space of about 30.48 centimetres between each two trenches;

(2) be filled with foecal matter thoroughly mixed or amalgamated with dry-earth or other refuse matter to within 15.24 centimetres from the top and filled in with the dry-earth taken from the earth being gently rammed down;

(3) be allowed to remain untouched for about six months when the ground shall be dug up crosswise and cultivated; and

(4) be as far from wells as can possibly be arranged and only a sufficient extent of trench of the day's requirements shall be dug at a time.

31. Disposal of urine. — Urine shall not on any account be buried in the same trenches or mixed with excreta, but shall be collected and buried in separate trenches.

32. Pits for deep trenches. — Where sufficient land is not available, night soil or other refuse shall be buried in large pits of 91.44 centimetres × 91.44 centimetres × 91.44 centimetres which shall be properly rammed and allowed to remain undisturbed for six months after which period the pits may be dug up and the contents utilised as manure.

33. Superintendent and Medical Officer to pay attention to purity of water. — (1) It shall be the duty of the Superintendent and the Medical Officer to see that the water supplied to prisoners for drinking and culinary purposes is pure and wholesome or so treated with other suitable chemicals as to be potable and safe for human consumption.

(2) Where there are several sources of water supply in a prison the best of them shall be set apart for drinking purposes.

(3) If the purity of the water supply is at any time suspected, the Medical Officer shall at once arrange to have it chlorinated or otherwise effectively purified.

34. Cleanliness to be maintained in and around well. — Where the water supply is drawn from a well in a prison, the well shall be cleaned out once a year. Well-water shall be preserved pure by the daily withdrawal of a large quantity of water, by the removal of decomposing matter, by obviating the re-entrance of water taken out, and specially by preventing the percolation of sewage. No prisoner shall be allowed to bathe or wash his clothes at the well from which the drinking water is drawn. Storage tanks and reservoirs shall be emptied and cleaned out before the rains.

35. Supply of drinking water. — Drinking water shall be supplied in sleeping wards, cells and other places of defecation.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 5th February, 1969.

Notification

LD/2/13/68-N-92-69

In exercise of the powers conferred by clause (28) of section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling him in that behalf and in supersession of the rules relating to Prisoners' property and Documents in force in any part of the Union Territory of Goa, Daman and Diu the Lt. Governor of Goa, Daman and Diu hereby makes the following rules namely: —

1. Short title and commencement. — (1) These rules may be called the Goa, Daman and Diu Prisons (Prisoners' Property and Documents) Rules, 1969.

(2) They shall come into force on the 1st day of May, 1969.

2. Senior Jailor responsible for the safe custody of prisoners' private property. — For the purpose of discharging his responsibility under section 18, the Senior Jailor shall be provided with box or press with a good lock and a separate box for the safe custody of jewellery, if any, taken from prisoners. The keys of both these boxes shall be with the Senior Jailor.

3. Private property of prisoners — how to be dealt with. — Property delivered with, or found on a prisoner on admission, or afterwards sent to him openly and through the Superintendent or Jailor, shall be dealt with as follows: —

(1) Where the property consists of absence pictures or literature, opium, or any other drug or liquor or when it consists of ragged or worthless clothing, it may be destroyed and the prisoner to whom such property belongs shall not be entitled to any compensation. The fact of such destruction shall be recorded in the Register concerned.

(2) Where the property consists of perishable articles of any value, it may be sold and the proceeds shall be dealt with under Rule 8.

(3) (a) Where the property consists of clothing, cash, jewellery and other property received with or found on the person of a prisoner on admission, the Senior Jailor shall enter in Form Nos. I, II and III, as the case may be, and he shall read over to the prisoner the entry which specifies in detail the nature of the property, the number or quantity and the estimated value of each item and obtain signature or thumb impression of the prisoner against such entry and the Senior Jailor himself shall also sign against that entry in the column for that purpose;

(b) The list of property shall be read over to the prisoner in the presence of the Superintendent who shall also sign the Register after satisfying himself that the entries are correct;

(c) In describing the articles and stating their value so much description of an article shall be mentioned as will facilitate identification and prevent pilferage thereof (e. g. whether a coat is wollen or cotton, its colour, design and condition etc.) and the genuine value of each article shall be shown; and

(d) When any counterfeit coin is found with the prisoner it shall be cut and handed over to him on release.

(4) Where the property consists of animals or cattle or unwieldy articles such as charpoys, the Senior Jailor may hand it over to the relation or friend who is willing to take charge of the same on behalf of the prisoner or may sell the same by public auction and the money received shall be credited to the prisoners' account by a red ink entry initialled by the Superintendent in Form No. I.

(5) Where the property found with a prisoner before his admission to a prison consists of reptiles or any dangerous animals it shall, if the prisoner concerned is not able to make immediate arrangements for their disposal, be destroyed.

4. Senior Jailor responsible for safe custody of prisoner's private property and delivery thereof to the prisoner on his release.—The Senior Jailor is responsible for the safe custody and due delivery, on release, of all property other than property dealt with under rules 8 and 13 brought by a prisoner or received there on his account.

5. Destruction of insanitary clothing of prisoners etc.—Where the Medical Officer considers that there are sanitary objections to the retention of the clothing of any prisoner, or where any prisoner on admission into prison is suffering from any infections or contagious disease, the clothing shall, under the written order of the Medical Officer in Form No. IV be burnt.

6. Storing of prisoner's property.—Clothing of prisoners after washing or fumigation shall be made up into a bundle and endorsed, in both English with the prisoners' name, register number and ordinary date of release. Lotas, cooking pots, and other non-perishable articles shall be stored in a place set apart for the purpose. These bundles shall, as far as possible, be arranged in open wooden racks baskets

or nets. They shall be arranged chronologically in groups of 50 or 100 so as to facilitate their location and distribution.

7. Preservation of jewellery, cash etc. belonging to prisoners.—(1) Valuable articles of jewellery including coins of foreign country shall be put into a packet (Form No. V) in the presence of the prisoner concerned and carefully closed and sealed. A paper cross-band shall be struck all round the packet and the prisoner shall put his signature or thumb impression on the joints of the slip so pasted.

(2) Cash belonging to the prisoner shall be brought to account in Form No. 1 and Form No. VI, and shall be kept either in the Treasury on a pass book or in the Prison safe. Cash required for the month's disbursement only shall be kept in the cell.

8. Forfeiture of concealed property found with prisoner after his search on admission.—Concealed property of any kind found on a prisoner, after his being searched on admission, shall be forfeited under an order of the Superintendent in Form No. VII and the value carried to the credit of Government, a certain proportion, not exceeding one third being awarded to the finder under a written order of the Superintendent, a copy of which shall be forwarded to the Inspector-General for information.

9. Discretionary powers of Superintendents to sell by auction certain articles belonging to long-term prisoners.—(1) Where the term of imprisonment is for two years and upwards, clothing and other perishable articles legitimately received with a convicted prisoner may, at the discretion of the Superintendent, be sold by auction at the Mamlatdar's Court, and the money received shall be carried to the prisoner's credit by a red ink entry initialled by the Superintendent in Form No. I:

Provided that, where an appeal is made by the prisoner against his conviction or sentence, clothing other than prescribed articles, should not be disposed of until the appeal is decided.

(2) No property of a prisoner shall be auctioned without informing the prisoner and where the prisoner requests that, this may not be done, his wishes shall be complied with, provided that there is room in the godown and the property is worth keeping.

(3) The prisoner shall always be informed of the amount realised by the sale of his property and the fact shall be noted on his history ticket. (Form No. VII).

10. Senior Jailor to be in charge of prisoners' private property and clothing stores.—(1) The prisoners' private property and clothing store shall be in charge of a Senior Jailor who shall be assisted by a Jail Guard of the rank of a Head guard or the Senior Jail Guard, if a Head guard not available.

(2) The Senior Jailor shall attend all auction sales of clothing and be responsible for the amounts received. It shall be his duty to see that a fair price is obtained for the auctioned articles.

11. Prison staff not to buy prisoners' property at auctions.—No member of the Jail staff shall directly or indirectly buy any prisoner's property at an auction sale held under the provisions of these rules.

12. Prisoners may be provided on release with clothing in certain cases. — Where under the provisions of these rules, the clothing of a prisoner has been summarily disposed of, the prisoner shall, on release, if he has not sufficient money to purchase other clothing, be provided with suitable clothing at the expense of the State Government. Such clothing shall consist of one shirt of the type popularly known as «Nehru shirt», one Gandhi cap and four yards of cloth or a pair of trousers, these articles being made of similar texture to that used for convict clothing but without the regulation stripes.

13. Delivery of prisoner's property to friends etc. or sale thereof, with the prisoners' consent. — (1) Any property or money belonging to a prisoner may, at any time during his imprisonment with the consent of the prisoner and the approval of the Superintendent be delivered to the prisoner's friends or sold, and the proceeds of the sale of such property may be disposed of in such manner as the prisoner may direct, provided that they shall not be applied to the personal use of the prisoner during his confinement, nor so disposed of with the object of escaping payment therefrom of any fine imposed on him by Court. Where the prisoner's sentence is below two years, sufficient clothing must also be retained to enable to leave the prison decently clothed.

(2) Where permission to remit or hand over money or property is given, the Superintendent shall enter the same on the history-ticket of the prisoner.

(3) The Superintendent shall satisfy as far as possible that the person to whom the cash or property is to be delivered is a relative of the prisoner or has a legal claim on him.

(4) Money or property shall not be sent by post to an address within 32 Kilometers of the prison. In such a case the addressee shall be asked to take delivery of the money or property personally in the presence of the Superintendent and the prisoner.

(5) Cash shall be remitted by money order only and signed by the Superintendent. The Post Office receipt and addressee's acknowledgement shall first be shown to the prisoner concerned, and, thereafter be attached to the prisoner's warrant for delivery to him on release.

(6) Other property shall be packed, sealed and addressed in the presence of the Superintendent and the prisoner and despatched by registered post, the receipt being dealt with as in the case of a Money Order acknowledgement. All postal charges shall be paid by the prisoner.

(7) An entry recording the method of disposal of money or property shall be made in Form Nos. I, II, and III, as the case may be, and the prisoner's history-ticket and signed by the Superintendent.

14. Transfer of prisoner's private property from one prisoner to another prisoner prohibited. — No prisoner shall transfer money or any other private property to any other prisoner for any purpose whatsoever.

15. Prisoners' private property to be sent with him on his transfer. — (1) Where a prisoner is transferred from one prison to another, the whole of his property of every description shall be sent with him, with a full and correct statement of the description and the estimated value of each article.

(2) Where after the transfer of a prisoner any property is received on his behalf, it shall be forwarded to the prison to which he has been sent.

(3) In either case, proper receipt shall be obtained from the Senior Jailor in token of the receipt of the prisoners' property.

16. Return of prisoners' property on their release.

(1) On the occasion of the release of a prisoner, the property shall be made over to him in the presence of the Senior Jailor. The prisoner concerned shall duly pass a receipt by signing the relevant registers (Form Nos. I, II and III, as the case may be) and such signature shall be attested by the Senior Jailor. The Superintendent shall also attest such entries at the time of checking daily Cash Books. The same procedure shall also be adopted whenever the property of a prisoner is disposed of under Rule 13.

(2) Where any part of a prisoner's property is not found and delivered to a prisoner on his release, a note thereof shall be made against the relevant entry in the property book, and appropriate compensation determined by the Superintendent shall be given to the prisoner.

(3) The Superintendent shall also make proper enquiries with a view to ascertaining the cause of such loss, fix responsibility therefor, recover the loss from the person responsible and if he is competent so to do, take disciplinary action against the persons concerned or submit a report to the authority who is competent to take such disciplinary action.

(4) The Superintendent shall report every case falling under sub-rule (2) or (3) to the Inspector General of Prisons.

17. Receipts. — Whenever deposits of private cash exceeding Rs. 20 are returned to prisoners on release, the Superintendent may not demand a duly stamped receipt in acknowledgment of the amount returned to prisoners.

18. Disposal of unclaimed property of prisoner. — If the property of a prisoner, including an undertrial prisoner, who is released, discharged, or acquitted or who dies in a prison is not claimed by or on behalf of the prisoner within a period of six months, from the date of such release, discharge, acquittal or, as the case may be, death, it shall be handed over to the police for disposal in accordance with the provisions of law for the time being in force:

Provided that where the property is claimed within the aforesaid period by the prisoner himself, it shall be handed over by the Superintendent to him if he satisfies the Superintendent about his identity, establishes his claim to the property and passes a receipt for having received it:

Provided further that where the property is claimed within the aforesaid period on behalf of a prisoner by any other person, it shall be handed over by the Superintendent to such person if he establishes his claim thereto, executes an indemnity bond, and passes a receipt for having received the property.

19. Disposal of the property of an absconding prisoner. — The property of a prisoner who has escaped from a prison shall, after the expiry of a period of one year from the date of escape, be handed

over to the Police for disposal in accordance with the provisions of law for the time being in force, unless such prisoner is recaptured within such period.

20. Prisoner's property to be sent with him in case of his transfer to Mental Hospital. — Where a prisoner is sent to a Mental Hospital all property in the

prison belonging to him shall be sent with him and a receipt obtained.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji 5th February, 1969.

FORM No. I

Book No.

Register showing particulars of private cash of convicted criminal prisoners confined in the prison during the year....

Date	Name and Register No. of Prisoner	Particulars of receipts	Amount	Date	Particulars of expenditure	Amount	Balance	Signature or thumb impression of the prisoner	Initials of the Senior Jailor	Initials of Superintendent	Signature or thumb impression of the prisoner on transfer or release
1	2	3	4	5	6	7	8	9	10	11	12
			Rs. P.			Rs. P.	Rs. P.				
Total											
Opening Balance as on											
Date			Amount								
			Rs. P.								
1st April 19	...			1st April 19	...						
1st April 19	...			1st April 19	...						
1st April 19	...			1st April 19	...						
1st April 19	...			1st April 19	...						
1st April 19	...			1st April 19	...						

FORM No. II

Book No.

Register showing particulars of receipts and disposal of valuable articles and jewellery of convicted/unconvicted prisoners confined in the prison during the year 19...

Register No.	Date of admission	Name in full	Description of the article/jewellery	Estimated value of the article/jewellery	Signature or thumb impression of the prisoner	Initials of Senior Jailor	Initials of Superintendent	Date of disposal	How disposed	Signature or thumb impression of the prisoner	Initials of Senior Jailor	Initials of Superintendent	Signature or thumb impression of the prisoner on transfer or on release
1	2	3	4	5	6	7	8	9	10	11	12	13	14

FORM No. III

Register showing particulars of clothing of convicted and unconvicted criminal prisoners confined in prison during the year 19...

Register No.	Name in full	Date of admission	Name and description of article	Estimated value	Date of release/transfer to other jail	How disposed of	Signature or thumb impression of the prisoner	Initials of Senior Jailor	Initials of the Superintendent	Signature or thumb impression of the prisoner on transfer or on release
1	2	3	4	5	6	7	8	9	10	11

FORM No. IV

(Rule 5)

Medical Officer's Journal

Serial No.	Date	Suggestion and observations of the Medical Officers	Orders of the Superintendent	Action taken by the Jailor and/or other official concerned
1	2	3	4	5

FORM No. V

Rule 7 (1)

Register No. —

Name: —

Sentence: —

Arrival in Prison: —

Release date: —

Party: —

FORM No. VI

Rule 7 (2)

Receipts

Dr.

Cashbook of the
Licences

Prison

Date, month and year	Particulars	Permanent advance	Prisoner's private cash		Garden realisations	Confine- gencies	Pay and travelling allowance	Miscel- laneous receipts security deposits, etc.	Total	Particulars	Permanent advance	Prisoner's private cash		Garden payments into treasury	Confine- gencies payment on account of ...	Pay and travelling allowance disbursed	Miscel- laneous payments	Total	Initials of	
			Con- victed	U.T.P.								Con- victed	U.T.P.						Steward or Head Clerk	Superin- tendent
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18			

FORM No. VII

(Rule 8)

Prison for the year 19 ...

No. and Date	Orders of Superintendent	Reports of Jailor etc. on Superintendent's order
1	2	3

Ordinary and special remissions

Date	Entries	Initials	Date	Entries	Initials
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Ordinary and Special Remissions

Hospital Entries.

Date	Entries	Initials	Date	Entries	Initials
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FORM No. VIII

Class I/II

HISTORY TICKET

(2) For prisoners above three months and not more than one year.

No.	Name and Father's name
Caste —	Age — Height Weight in Kg. Physical equivalent in kg.
Previous Occupation —	Prisons in which confined Date of Admission
No. of Previous Convictions.	Habitual Non-Habitual.
Health and Labour on Admission —	
Crime	Sentence —
Sentencing Court	Date of Sentence — Date of Release — Probable Date of Release —

*If a prisoner is not in good health or fit for hard labour the reason should be stated.

N. B. — All alterations in this ticket must be made in red ink.

Class I/II

HISTORY TICKET

(3) For Prisoners above One Year

Number.	Name and Father's Name.
Caste	Age Height Weight in kg. Physical equivalent in kg. Prisons in which confined.
Previous Occupations	Date of Admission.
Number of Previous Convictions.	Habitual. Non-Habitual.
Health and Labour on Admission.	
Crime —	Sentence —
Date of Sentence —	Date of Release — Probable Date of Release — Sentencing Court —

*If a prisoner is not in good health or fit for hard labour the reason should be stated.

N. B. — All alterations in this ticket must be made in red ink.

(2) The Jailor in charge of the barrack shall, as the prisoners leave it, count them and shall form them up. Any Prisoner complaining of illness shall be kept apart and the Jailor shall produce him before the Medical Officer.

(3) The Senior Jailor or in his absence the Second Jailor shall supervise the opening of barracks and cells which shall be conducted in the presence of the Jailor in charge of the barracks or cells concerned.

6. Morning ablutions.—After the prisoners are formed up under sub-rule (2) of rule 5 the prisoners shall be marched to the latrine and then to the bathing platform and shall be required to wash their hands, faces and feet, and also clean their teeth with charcoal powder provided for the purpose or with tooth powder and tooth brush purchased by them at their cost from the canteen.

7. Prisoners to bathe themselves daily — Issue of Coconut Oil.—(1) All prisoners shall bathe themselves every day regularly unless excused by the Medical Officer.

(2) Subject to the provisions of sub-rules (3) and (4), no prisoner shall be permitted to purchase or receive any hair oil except coconut oil which shall be supplied to all prisoners free of cost.

(3) 28 grams of coconut oil will be supplied once a week to women, Sikhs and convict overseers and 14 grams to other prisoners.

(4) Notwithstanding anything contained in sub-rule (2), Class I prisoners may purchase hair oil at their cost from the Canteen. Where there is no Canteen, such prisoners may obtain their supply of hair oil through their friends or relations:

Provided that no such prisoner shall be allowed to purchase or receive more than 225 grams of hair oil per month.

8. Physical Training and drill parades.—After the morning ablutions are over the Jailor shall divide the prisoners into suitable batches for physical training and drill. Each batch shall be placed in charge of a Jail Guard who shall conduct the physical training and drill parade under the supervision of the Head guard or Physical Training Instructor.

9. Formation of prisoners into gangs for work.—After the distribution of Kanji between the period from 7-15 a.m. to 7-45 a.m. under the rule 3, prisoners shall be formed into gangs for work, each gang being placed in charge of a Jail Guard and a Convict Officer. The number of the prisoners in each gang and the name of the Jail guard in charge shall be recorded in a Register in Form No. I. The Assistant Jailor or in his absence, one of the Head Guard shall maintain this register.

10. Distribution of work to prisoners.—The gangs formed under rule 9 shall be marched to their work. The Jailor concerned shall distribute the work according to the allotment made by the Work Assignment Committee. The Jailor shall see no prisoner is put to, or kept on work for which he is declared to be unfit.

11. Mid-day-meals.—The meals shall be served hot and the prisoners shall take it at a place where

the food will be free from contamination. The Convict Officers in charge shall see that after the meals the premises are thoroughly cleaned and that every prisoner thoroughly cleans his pots. The taking of meals shall be so adjusted that the prisoners will get at least 15 minutes' rest before resuming work.

12. Games.—(1) Prisoners shall be encouraged to play such games as can be suitably arranged in the premises of the prison.

(2) Well-behaved long-term prisoners shall be taken outside the prison in suitable batches in turns to play games or take exercise in the open under such security measures as are deemed essential by the Superintendent.

13. Evening Meals.—Evening meals shall be served to prisoners from 4-45 p.m. to 5-45 p.m. Prisoners shall then be given another opportunity to use latrines between 5-45 p.m. and 6-15 p.m.

14. Mustering of prisoners before lock-up.—(1) The Counting of all prisoners in the Jail shall be done under the direct supervision of the Senior Jailor or in his absence the second Jailor, and if the number of prisoners is found to be correct, they shall be locked up in barracks or cells for the night.

(2) Similarly, the Woman Jailor or Matron, if there is no Woman Jailor, shall be present at the locking up the Women's wards. She shall attend mustering of women prisoners. She shall see that all the women prisoners are counted and that number is correct before they are locked up for the night.

Note.—The provisions of this rule do not in any way absolve the Jailors in charge of the respective circles or yards, as the case may be, of their individual responsibility for correct and proper locking up for the night of the prisoners put in their charge.

15. Custody of keys of barracks etc.—After the prisoners are counted and the prison is locked up in the evening, the keys of the barracks and cells shall be collected and counted by the Senior Jailor. They shall then be kept in the key box affixed to the wall between the main gates. The key box shall be locked and sealed with the Superintendent's seal. The key of the box together with the keys of the wickets of the inner and outer gates shall be entrusted to the Senior Jail Guard on night duty.

16. Custody of keys of women's barracks etc.—The keys of the women's barracks and cells shall be deposited by the Woman Jailor or Matron in a separate key box which shall have a glass front. The key box shall be locked and sealed by the Matron with the Superintendent's seal. The Matron shall keep the key of the key box.

17. Power of Senior Jail Guard to break open glass of key box of women's barracks in emergency.—In case of an emergency, the Senior Jail Guard on duty at the time shall break the glass of the key box of the women's barracks or cells, take out the women's wards and proceed to the Women's Section along with other guards after having sent an urgent message to the Superintendent, if necessary.

18. Custody of keys of Treasure chests.—The keys of the treasure chests in the Jail Office shall

at all time be in the possession of the Superintendent or any other Jail officials who have been, empowered by the Inspector General of Prisons in that behalf.

19. Withdrawal of locks when keys are lost or mislaid. — In the event of any one of the keys being lost or mislaid, the Superintendent shall immediately withdraw the lock from use.

20. Number of prisoners confined in each ward at night to be record every day. — The Jailor concerned shall each night record in register in Form No. II (Lock up Register) the number of prisoners confined in the wards. The register shall be checked up and signed by the Superintendent and the Medical Officer next morning.

21. Report to Superintendent at the time of lock-up. — The senior-most jail official on night duty shall, at the time of locking up, report to the Superintendent that all prisoners and all officers for night duty are present and that everything in the prison is correct or otherwise.

22. Ingress and egress prohibited between lock up. — After the Jail gates have been closed for the night, except with the permission of the Superintendent no person (other than persons duly authorised by the Superintendent) shall be permitted to have any ingress in or egress from the prison or in any barracks or cells which have been locked up between the hours of lock up at night and unlocking in the morning.

23. Opening of a barrack during the night in cases of emergency. — If it becomes necessary to open a barrack or cell during the night (as for instance, in the case of a prisoner requiring medical attention), the official in charge of the keys shall break the seal of the key box and take the necessary keys to open the barrack. A report shall be made in the Jailor's Report Book as in Form III about such necessity to open the key box. Care shall be taken when removing a prisoner from a barrack at night that the other prisoners do not make a rush. To prevent this, the doors shall be provided with an iron chain which will allow of the door opening just enough space to allow one person to pass at a time.

24. Literacy classes after lock-up. — Between the hour of 7 to 8 p.m. literacy classes may be conducted by the paid teacher and literate prisoners selected by the Superintendent for this purpose.

25. Supply of stationery to prisoner. — Slates, pencils and other writing material may be supplied to prisoners at the Superintendent's direction either at Government or at the prisoner's expense as may be considered proper in each case.

26. Supply of note-books etc. to Class I prisoners. — The Superintendent may arrange to supply note-books and exercise books to Class I prisoners at their cost.

27. Hours of reading of newspapers and books by prisoners. — Prisoners may read newspapers and books from 8-00 p.m. to 9-00 p.m. and shall go to bed at 9-30 p.m.

28. (1) As a general rule and subject to the rules pertaining to the classification of prisoners, prisoners who work together shall, as far as may be practicable, sleep together so as to facilitate the formation of gangs. No two prisoners concerned in one criminal case shall, as a rule, be confined in the same barrack or employed in one and the same gang.

(2) All long-term prisoners shall be frequently changed from barrack to barrack or cell to cell, as the case may be, under the orders of the Senior Jailor.

29. Places to be assigned to each prisoner for sleeping. — A prisoner shall sleep only in the place marked off for him by the Convict Officer on duty.

30. Lights near sleeping barracks or cells. — A light shall be kept burning in or near every sleeping barrack or cell through the night. It shall be so placed as to throw sufficient light in the barrack or cell and shall be inaccessible to the prisoners. The Convict Officer on duty shall immediately report to the sepoy on duty if the light goes out at any time during the night, and shall maintain order.

31. Night visits by Prison Officials. — The Superintendent Asstt. Superintendent, all Jailors, Asstt. Jailors and Head Guards shall pay at least one night visit to the prison per week at uncertain hours.

32. Washing of Clothes. — A prisoner shall wash his clothing at least once a week usually on Sunday morning and his «longoti» (loin-cloth) daily when having his bath. If necessary the Superintendent may detail prisoners for the purpose of washing any special portion of prison clothing and the private clothing of such prisoners as are unable to do so and the private clothing of such prisoners as are unable to wash them for reasons of health.

33. Issue of washing soda and firewood. — (1) An unconvicted prisoner (Under Trial prisoner) or a convicted criminal prisoner in Class II shall be provided with soap, as may be prescribed from time to time washing his clothes every Sunday.

(2) Prisoners employed as cooks or on conservancy work may be provided with 58 grams of jail-made carbolic soap per prisoner per week at Government cost.

(3) Class I prisoners shall be given 112 grams washing soap at Government cost per head per month.

34. Washing of clothes in prison laundry. — A prisoner may, if he so desires, get his clothes washed at his cost at the prison laundry if there is one in the prison.

FORM No. I

(Rule 9)

Register showing the particulars of the files of prisoners detailed for work in the morning

Date	Date of the file	Jail guard in-charge	Convict Officers	Prison numbers of the prisoners in the file	Initials of		
1	2	3	4	5	Asst. Jailors	Head Guards	Senior Jailor

(2) Any person convicted of an offence punishable under Chapter XVI of the Indian Penal Code, or under the prevention of Prostitution Act, 1923 or any law corresponding thereto or under the Suppression of Immoral Traffic in Women and Girls, Act, 1956, whose previous conviction or convictions taken in conjunction with the facts of his case show that he habitually commits offences against person or is habitually engaged in immoral traffic in women or children;

(3) Any person committed to or detained in prison under section 123 (read with section 109 or 110) of the Code of Criminal Procedure, 1898;

(4) Any person convicted of any of the offences specified in clauses (1) and (2) when it appears from the facts of the case, even though no previous conviction has been proved, that he is by habit a member of a gang of dacoits or of thieves or a dealer in stolen property or a trafficker in women or children for immoral purpose;

(5) Any person convicted by a Court of Tribunal acting outside India, of an offence which would have rendered him liable to be classified as a habitual criminal, if he had been convicted in a Court established in India.

Explanation.—For the purposes of this rule, the word 'conviction' includes an order made under section 118 read with section 110 of the Code of Criminal Procedure, 1898.

3. Authorities who may classify prisoners.—Classification of a convicted person as habitual criminal may be made by the convicting Court. If the convicting Court omits to do so, the Superintendent shall, on the basis of information at his disposal, send a report about the prisoner's social background, circumstances of the crime, known previous convictions, if any, and other like information to the Inspector General. The Superintendent shall move concerned policy authorities to forward all available information regarding such prisoner from police record, to the Inspector General. On receipt of all relevant information, the Inspector General shall issue orders regarding the classification of the prisoner. Pending orders of the Inspector General, the Superintendent may, on the basis of any information available with him, temporarily classify any prisoner as a habitual criminal: provided that if the Superintendent is doubtful about the correct classification of any prisoner, he shall refer such case to the Inspector General for orders.

Explanation.—For the purposes of this rule, a 'convicting Court' includes a Court Martial and a Court passing an order under section 123 of the Code of Criminal Procedure 1898.

4. Study.—(1) The case of each habitual criminal shall be studied with reference to the following factors during the quarantine period, that is to say—

(a) repetition in crime resulting in gain and against property,

(b) repetition in crime of aggression against person,

(c) involvement in vices like alcoholism, drug addition gambling and the like;

(d) involvement in, or repetition of, organised crime, traffic in drugs, narcotics, liquor and wo-

men, brothels; commercialised and organised gambling, illicit distillation, distribution and sale of liquor or of prohibited tinctures; organised underworld vulgar recreation; organised cheating; fraud; black marketing, swindling, gangsterism and the like;

(e) repetition of anti-social activities connected with occupations, professions and service, black marketing, corruption, illegal trade practices and the like;

(f) repetition and continuation in crime owing to situational and environmental pressures;

(g) repetition of crime owing to mental and emotional factors (criminal psychopathy, criminal psychoneurotic symptom, sex offences and the like);

(h) symptoms of professional criminality;

(i) skills, techniques and levels of criminal operations;

(j) specialization in certain criminal activities;

(k) connection with agencies of moral risk like, gambling dens, drinking places, brothels, shops dealing in stolen property and the like;

(l) extent of repetition or continuity in crime;

(m) age on initial and subsequent conviction;

(n) gaps in between convictions;

(o) previous stay in a correctional institution;

(p) the manner and mode in which the offences are committed;

(q) prisoner's criminal connections;

(r) prisoner's attitude towards crime;

(s) place of criminal activity in the total employment and scheme of life of the prisoner.

(2) On a comprehensive study of each habitual prisoner, the Classification Committee shall, subject to the orders of the Inspector General, place a prisoner in one of the following categories of habitual prisoners, that is to say,—

(a) prisoners who have still not gone deep into a life of vice and criminality and who show hopes of being re-aligned to a socially adjusted way of life;

(b) prisoners who show signs of deep involvement in criminal activity and who have become hardened and persistent offenders.

(3) The Classification Committee shall decide, after consultation with the Inspector General, the line of training and treatment and the special emphasis to be given in the case of each individual prisoner.

5. Response to treatment and transfer of hardened criminals to Special Prison.—Where the Classification Committee recommends that prisoners (not being adolescent prisoners and women prisoners), who do not respond to training and treatment should be transferred to the Central Jail, Aguada and such transfer is in the interest of the prisoners as well as of the institution, then such prisoners may be so transferred.

6. Institution for hardened and persistent offenders.—Habitual criminals who show signs of deep involvement in criminal activity and who have

become hardened and persistent offenders shall be sent the Central Jail, Aguada.

7. Stage system. — (1) On admission to a prison, all habitual criminals shall be admitted to Stage I; and accordingly he shall be provided with cellular accommodation (at night), if such accommodation is available, work in small groups if considered essential and practicable by the Superintendent, smokes, tea, and essential toilet articles from the amount standing to his credit. The prisoner shall not, however, be granted any remission.

(2) At the end of six months, the case of each habitual criminal shall be reviewed by the Classification Committee. If the prisoner has maintained good institutional discipline and has made efforts for self-improvement, he shall, subject to the orders of Inspector-General, be promoted by the Superintendent to Stage II; and accordingly, he shall be provided with cellular accommodation at night, if such accommodation is available, with work in association and in larger groups and with more liberal canteen facilities than are admissible to those in Stage I, as the Superintendent may think reasonable and shall be granted remission of four days per month.

(3) At the end of the year from such admission, the case of each habitual criminal shall be reviewed by the Classifications Committee. If the prisoner has maintained good institutional discipline and has made further efforts for self-improvement, he shall, subject to the orders of the Inspector General, be promoted by the Superintendent to Stage III and accordingly, he shall be provided with accommodation in dormitories work in association, and all canteen facilities; and shall be granted remission of six days per month.

(4) On admission to Stage I or promotion to Stage II or III, the Superintendent shall issue in respect of prisoners in each stage an identification band to indicate such stage.

(5) The remission for prisoners promoted to stages II or III, shall, subject to provisions of the Goa, Daman and Diu Prisons (Remission System) Rules, 1965, be counted from the date of promotion to each such stage.

8. Review. — (1) The case of each habitual criminal shall be examined by the Classification Committee once in six months to evaluate his progress, and at the end of the year from the date of his admission to see if the prisoner has maintained good institutional discipline and has made further efforts for self-improvement. The Committee in each case shall submit its report to the Inspector General through the Superintendent.

(2) On receipt of the six monthly report, the Superintendent shall, according to the orders of the Inspector General, effect changes in the training and treatment, if necessary; and on receipt of the annual report, the Superintendent shall, according to the orders of the Inspector General, promote the prisoner to Stage III and accordingly, he shall be provided with accommodation in dormitories, work in association, and all canteen facilities; and shall be granted remission of six days per months.

9. Security and discipline. — The Superintendent shall endeavour to take all steps necessary for the

re-education and improvement of habitual criminals, to maintain discipline in the prison and also shall take all security measures against their escape or otherwise.

10. Demotion. — (1) If any habitual criminal fails to keep up efforts at self-improvement of marked deterioration in character or habits or violation of prison discipline, he will be demoted from Stage III to Stage II or from Stage II to Stage I, as the case may be.

(2) The cause of demotion and punishment order of demotion of the prisoner concerned shall be classified as a major offence and major punishment, respectively, for all practical purposes and compilation of the relevant statistical returns.

11. Habitual criminals to be employed on essential service. — Habitual criminals may be employed on essential service only in a prison meant for habitual criminals; and non-habitual criminal shall, on no account, be employed along with habitual criminals.

12. Habitual criminals not to be confined in particular prison for long. — Where habitual criminals are frequently confined in a particular prison or have become too familiar with the locality and surroundings, then the Superintendent shall, with the previous sanction of the Inspector General, transfer them to another prison.

13. Special Prison. — The following convicted prisoners may be kept in the Central Jail, Aguada that is to say —

- (i) those who have committed serious violations of prison discipline,
- (ii) those who show tendency towards violence and aggression, and
- (iii) any other prisoners in whose case the Inspector General or the State Government or both have issued specific orders.

Note. — The decision of the Inspector General to transfer a prisoner to the Central Jail, Aguada as a punishment shall be final.

14. Habitual criminals to be allotted to cellular accommodation. — (1) On admission to be Special Prison, the habitual criminal shall be allotted cellular accommodation for three months during which period, he shall be under observation and shall not be allowed to associate with other prisoners therein. The Jailer shall maintain brief notes of his observations of the Prisoner's behaviours. During this period, he may be provided with suitable work.

(2) During such time as a prisoner is kept in the Central Jail, Aguada he shall not be granted the concessions of (a) remission, (b) furlough, (c) washing of his clothes in the Jail laundry, if there is one.

(3) The prisoner shall not be eligible for being appointed as a 'Pancha' or as a 'Convict Officer' so long as he is confined in the Central Jail, Aguada and unless during the first six months of his transfer to another prison he maintains good prison record,

ORDINARY AND SPECIAL REMISSIONS

Date	Entries	Initials	Date	Entries	Initials

Ordinary and Special Remissions

Hospital Entries

Date	Entries	Initials	Date	Entries	Initials

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 5th February, 1969.

Notification

LD/2/13/68-N-97-69

In exercise of the powers conferred by clause (11) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894) and of all other powers enabling him in that behalf and in supersession of the rules relating to Civil Prisoners, the Lt. Governor of Goa, Daman and Diu hereby makes the following rules namely:—

1. **Short title and commencement.**— (1) These rules may be called the Goa, Daman and Diu Civil Prisoners Rules, 1969.

(2) They shall come into force on the 1st day of May, 1969.

2. **Application of Rules.**— The provisions of these rules shall apply to civil prisoners confined to prisons in Goa, Daman and Diu.

3. **Separation of civil prisoners.**— Every civil prisoner shall be confined in a civil jail or portion of the criminal prison set apart for the purpose, and shall not be allowed to hold communication or be associated with criminal prisoners.

Note— A separate room need not be provided for each prisoner individually.

4. **Bar against transfer of civil prisoners.**— No civil prisoner shall be transferred from or to a civil prison, except as provided in the Prisons Act, 1900.

5. **Diet for civil prisoner other than judgment Debtors.**— Civil prisoners other than judgment debtors shall be allowed diet on the scale provided for non-labouring criminal prisoners at the expense of Government and shall have their food cooked and supplied by convicts. All extras ordered by the Medical Officers shall be paid for by Government.

6. **Diet for Judgment debtors.**— Judgment debtors may be supplied with good and wholesome food by their friends, through the Jailor, at such hours as the Superintendent shall fix. On the failure of friends to supply the food, the Superintendent shall arrange to supply the Judgment debtors with good and wholesome food having regard to the scale of monthly allowance fixed with reference to the class to which the Judgment debtor belongs.

7. **Escape of civil prisoners.**— On the occurrence of an escape of a civil prisoner, intimation shall be given to the judgment creditor, who may if he be able to ascertain the whereabouts of the prisoner assist the Jail authorities and the police in recapturing him. On recapture after escape, or on an attempt to escape, the prisoner shall be prosecuted before a criminal court.

8. **Release of civil prisoner suffering from disease.**— A civil prisoner who has been committed to prison may be released therefrom by the State Government on the ground of his suffering from any infections or contagious disease, or by the committing court, or any court, or any court to which that court is subordinate, on the ground of his suffering from any serious illness. Whenever a civil prisoner is found to be suffering from any serious illness to cause his death, the case shall be immediately reported by the Superintendent to the committing court.

9. **Disposal of balance of diet money and other necessities.**— (1) After a civil prisoner has been released, if there is any balance of diet money, it shall, if it is received from a civil court officer, be returned to the court, and if it is received from the decree-holder it shall be returned to the decree-holder, on his applying for it. If such balance remains unclaimed for more than two months, it shall be remitted to the Treasury to the credit of Government. For every refund of diet money to the decree-holder a receipt shall be taken and pasted into the admission register opposite the account to which it relates.

(2) All articles such as utensils, clothing, bedding and other necessities supplied, by or at the cost of the decree-holder, for the use of the judgment debtor, while detained in prison, shall in the event of the decree-holder failing to take them back on the judgment debtor's release from prison be sent to the Registrar of the Civil Court concerned.

The Superintendent shall certify with each lot of property who paid for it, and why it is sent to the civil court.

The Superintendent shall certify with each lot of property who paid for it and why it is sent to the civil court.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 5th February, 1969.

Notification

LD/N/2/13/68-98-69

In exercise of the powers conferred by clause (8) of section 59 of the Prisons Act, 1894 (IX of 1894), and of all the powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Goa, Daman and Diu Classification of Prisons Rules, 1969.

(2) They shall come into force on the 1st day of May, 1969.

2. **Classification of Prisons.**—There shall be the following classes of prisons in the State, that is to say:—

- (1) Central Jail
- (2) Sub-Jails/Sub-Jail cum judicial lock-ups,
- (3) Special Prison
- (4) Civil Jail

3. **Central Prisons.**—The Union territory of Goa, Daman and Diu shall have the Central jail at Aguada.

4. In each of the districts of Goa, Daman and Diu mentioned in column 1 of the Table below, there shall be a sub-jail, sub-jail cum Judicial lock-up and at such place as have been specified against them in column 2 thereof:—

TABLE

District	Place
(1) Goa	Sub-jail at Reis Magos Sub-jail cum Judicial lock-up at (1) Panaji (2) Margao (3) Mapusa
(2) Daman	Sub-jail cum Judicial lock-up at Daman
(3) Diu	Sub-jail cum Judicial lock-up at Diu

5. **Special Prison.**—The Central jail Aguada shall also be treated as special Prison.

6. **Civil Jail.**—There shall be a Civil Jail in Goa District at Aguada.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 29th January, 1969.

Notification

LD/13/68-N-99-69

In exercise of the powers conferred by Clause (23) of section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enable in that behalf, the

Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Goa, Daman and Diu Prisons (Lunatics) Rules, 1969.

(2) They shall come into force on the first day of May, 1969.

2. **Definitions.**—In these rules, unless the context requires otherwise,—

(1) "asylum" means as asylum (or mental hospital) for lunatics established or licensed by Government;

(2) "criminal lumatic" means any person for whose detention in or removal to a prison or other place of safe custody, an order has been made in accordance with the provisions of section 464, section 466 or section 471 of the Code of Criminal Procedure, 1898, or of section 30 of the Prisoners Act, 1900 or of section 145 of the Army Act, 1950.

(3) "lunatic prisoner" means a prisoner who has become insane after his conviction and admission into a prison.

3. **Classification of Criminal lunatics.**—(1) Criminal lunatics shall be classified as follows, namely:—

(a) Persons accused of crime and supposed to be of unsound mind and placed under the observation of the Medical Officer in accordance with the provisions of section 464 of the Code of Criminal Procedure, 1898,

(b) Persons accused of crime and found incapable of making their defence owing to unsoundness of mind and detained in accordance with the provisions of section 466 of the Code of Criminal Procedure 1898,

(c) Persons who have been tried for a criminal offence and have been found to have committed the alleged offence, but have been acquitted on the ground of being insane when the offence was committed, and are detained in accordance with the provisions of section 471 of the Code of Criminal Procedure, 1898, either permanently or for a period they are transferred to an asylum.

(2) Criminal lunatics referred to in clause (b) or clause (c) of sub-rule (1) shall be dealt with in accordance with the orders of the Government passed in each case.

4. **Transfer of Criminal lunatic.**—(1) Where a criminal lunatic falling under clause (b) of sub-rule (1) of rule 3 is detained in a prison, the Superintendent shall apply to the Magistrate who passed the order of his detention, for the transfer of the prisoner to an asylum.

(2) The Superintendent of a prison shall report to the Inspector General all cases of criminal lunatics falling under clause (a) and (b) of sub-rule (1) of rule 3 who have been detained in the prison for more than a month.

(3) Where in accordance with the orders of the State Government a criminal lunatic falling under clause (b) or clause (c) of sub-rule (1) of rule 3 is removed to an asylum, the Superintendent shall send

with him a certificate in Form No. 3 in the Schedule annexed to the Indian Lunacy Act, 1912.

5. Certificate under section 473 of Criminal Procedure Code. — Where the Inspector General grants a certificate under section 473 of the Code of Criminal Procedure, 1898, in respect of a criminal lunatic falling under clause (b) of sub-rule (1) of rule 3, the Superintendent of the prison shall at once forward a copy of such certificate together with the medical history of the criminal lunatic including information regarding his conduct in the prison, to the Magistrate or Court which passed an Order for his detention in order to enable the Magistrate or Court to take immediate measures to dispose of the case of such criminal lunatic.

6. Transfer of lunatic prisoner. — (1) Where a prisoner is suspected to be a lunatic prisoner, the Superintendent of the prison shall, at once, ascertain by telegram from the Surgeon Mental Hospital to which he may be transferred, and shall also immediately report the matter, direct to the Secretary to Government in the Law Department stating therein, whether accommodation in a certain Mental Hospital is available or that as information in that respect has been called for and will be sent as soon as possible by telegram.

(2) Where such a prisoner is sentenced to death, the Superintendent shall also send a report to the Inspector General, and the execution of the sentence shall not be carried out.

(3) The report under sub-rule (1) or sub-rule (2) shall be accompanied by —

(1) nominal roll of the lunatic prisoner showing in the last column thereof —

(a) the date of a admission in prison,

(b) the date on which the signs of insanity were first observed;

(c) the date on which he was placed under medical observation, and

(d) the date on which he was declared by the medical officer to be a lunatic;

(2) a copy of warrant (in duplicate) under he is confined;

(3) medical Officer's certificate, in duplicate:

(4) medical history sheet in duplicate;

(5) a copy of the judgement of the court which ordered his detention and

(6) information regarding —

(a) sentence undergone in prison,

(b) remission earned,

(c) if the Advisory Board has examined his case,

(i) the date on which the case was examined,

(ii) the date on which the case is again submitted to the Advisory Board as directed by it,

(d) if the case has not been examined by the advisory Board, the term of sentence at the end of which it would have been so brought for examination before that Board had the prisoner continued to be in prison.

7. Examination by Special Medical Board. — (1) Where a special medical board is appointed for examining the state of mind of a convicted criminal prisoner under sentence of death, prior to his examination by such board, the mental specialist in charge of the nearest Mental Hospital shall keep the prisoner under observation in the prison for a period of ten days or longer, if necessary.

(2) The Superintendent and the Medical Officer of the prison in which the prisoner is confined shall give all facilities to the Mental Specialist for physical examination including serological test and for his observation without the prisoner's knowledge.

(3) As soon as possible after the special Medical Board is appointed and the prisoner is placed under observation in accordance with sub-rule (1), the Superintendent shall collect the following information regarding the prisoner, through the Police or otherwise, and forward it to the mental specialist, namely:

(i) history of the prisoner obtained from institutions or individuals with whom he had contacts, prior to the commission of offence, during his remand and after his detention in prison, in accordance with the questionnaire furnished to him in that behalf by the Mental Specialist,

(ii) matters of fact concerning the state of mind of the prisoner just prior to, at the time of and soon after the commission of the offence obtained either from the records, or eye-witness including officers who arrester him,

(iii) evidence regarding the behaviour of the prisoner, at the time of his trial and especially during the examination by the Court, from the notes of the proceedings of the of the Court, notes of evidence, and summing up of the case and the judgement.

(4) While collecting the information referred to in sub-rule (3), the Superintendent shall see that the object with which it is collected is not divulged, and shall use with care the information given by the relatives of the prisoner.

(5) As soon as the mental specialist has prepared his report he shall request the Surgeon concerned to fix a date for the meeting of the special medical board.

(6) The mental specialist shall place all the records at the disposal of the special medical board, and the chairman of the board shall forward the proceedings of the board to the Secretary to the Government in the Law Department through the Inspector-General and Surgeon concerned.

8. Criminal lunatics or lunatic prisoners to be transferred to Mental Hospital if fit. — (1) No criminal lunatic or lunatic prisoner shall be transferred to any Mental Hospital unless the Medical Officer

certifies immediately before his transfer that he is fit both mentally and physically for travel, and such certificate of fitness shall be sent to the Superintendent of the Mental Hospital by post. Every precaution shall be taken to secure that the criminal lunatic or lunatic prisoner is properly looked after in respect of his food clothing and bedding as prescribed in the rules relating to transfers except that two suits of clothing shall be provided instead of one.

(2) It shall be the duty of the Prison officer who transfers the criminal lunatic or lunatic prisoner to see that the escort is provided with sufficient means to purchase suitable and necessary articles of diet for the use of the criminal lunatic or lunatic prisoner during his journey to the Mental hospital and to direct that in case the criminal lunatic or lunatic prisoner refuse food or becomes sick he shall be taken to the nearest hospital for advice or treatment.

(3) No fetters shall be imposed unless they are absolutely necessary.

9. Transfer of female lunatics.—A female criminal lunatic or a female lunatic prisoner sent to or from an Mental hospital shall be accompanied by a female attendant or a relative in addition to the usual escort. The Police Department shall, in the absence of a female relation, make arrangements for a female attendant and shall bear the travelling and other expenses incurred on behalf of the attendant.

10. Transfer of criminal lunatic by train.—Criminal lunatics whether recovered or unrecovered, when travelling by train shall be placed with their escort or attendants in to separate compartment, and shall not be allowed to mix with other passengers.

11. Return of warrant.—The warrant under which the lunatic prisoner was confined in prison shall be returned duly endorsed to the court that issued it, immediately after the lunatic prisoner is transferred to a Mental hospital.

12. Treatment of lunatic prisoned.—(1) Where a lunatic prisoner in a Mental Hospital has been certified to have recovered, he shall be re-transferred to the prison by orders of the State Government to undergo such period of probation before release as may be specified by it and shall in no case be employed as a convict officer.

(2) Within a month of the expiry of the Probationary period in prison and provided there has been no recurrence of symptoms of insanity, he shall be transferred to the prison nearest to his home.

13. Re-transfer of lunatic prisoner on recovery in prison.—Where a lunatic prisoner who on his recovery has been re-transferred into a prison from a Mental Hospital, his name shall be entered in Form No. 1 and the period of probation he has to serve, according to the rules, shall be shown in column 14(f) of the Form.

14. Relapse of insanity.—Where a lunatic prisoner on his recovery is undergoing probation in a prison has a relapse of insanity, he shall be immediately returned to the Mental Hospital in anticipation

of the orders of the State Government and the case shall be reported to the Inspector-General. With every such lunatic transfer either from the Mental Hospital to prison or vice-versa full details of his medical history up-to-date shall be forwarded.

15. Employment on light labour of lunatic prisoner on recovery.—A lunatic prisoner who has recovered shall be employed on labour other than hard labour. He shall wear prison clothing and shall be treated in all respects as an ordinary convicted criminal.

16. Procedure for recommending lunatic prisoner on recovery for release.—Where it is proposed to recommend a lunatic prisoner on recovery for release, the Superintendent shall place his case before the official visitors at a quarterly meeting and the official visitors may record any remarks thereon they may consider to be necessary. The recommendation together with the remarks shall then be submitted to the Inspector-General for being forwarded to Government.

17. Information to be given in submission of case.—While submitting a case under the preceding rule a nominal roll of the lunatic prisoner who has recovered along with the following information shall be forwarded with a covering letter to the Inspector-General, namely:—

- (1) the date of committal to Mental Hospital;
- (2) the Mental Hospital from which received;
- (3) the number and date of Government orders sanctioning removal to the prison;
- (4) the date of arrival in the prison;
- (5) the opinion of the Medical Officer on prisoner's condition;
- (6) the conduct of prisoner in prison; and
- (7) the work on which he was employed in prison.

18. Certificate of receipt of lunatic.—Whenever a lunatic is received in a prison, a certificate of receipt shall be given by the person in charge of such prison to the person handing over the lunatic.

19. Confinement of lunatic in cell.—Where a criminal lunatic or a lunatic prisoner is found to be dangerous, noisy or filthy in his habits, he shall be confined in a cell and he shall be visited daily by the Medical Officer. The observations made by the Medical Officer regarding such prisoner shall be recorded in Form No. II. Other lunatics falling under clauses (a) to (c) of sub-rule (1) of rule 3 may be detained either in the prison hospital or in the criminal prisoner's ward at the discretion of the Medical Officer. A criminal lunatic or a lunatic prisoner confined in a cell shall at all times be under strict watch by a sufficient number of specially selected convict watchmen by day and by convict overseers by night.

20. Certificate on discharge.—Every lunatic shall, on discharge, be furnished with a certificate of discharge signed by the Superintendent.

FORM I

(See rule 13)

Register showing the description of convicted Prisoners in the Prison/Jail during the year.

1. Number				Class (22)							
2. Name in full				Release	Date of release	Date of surrender	Over-stayal	Authority for release	Remarks		
3. Nationality-Caste				1	2	3	4	5	6		
4. Religion											
5. Age on sentence and height											
6. Finger impression taken or not											
7. Marks of identification: (indelible marks to be given here)				1st							
				2nd							
				3rd							
				4th							
				5th							
				6th							
				7th							
				8th							
				9th							
				10th							
				11th							
				12th							
8. City of Village, Taluka and District.											
9. Home Address											
10. Name and address of next of kin											
11. Previous occupation											
12. Able to read and write or illiterate											
13. Details of previous convictions:											
Serial no. and date of offence	Offence	Length and nature of sentence	Sentencing authority								
1	2	3	4								
1st on											
2nd on											
3rd on											
4th on											
14. Details of present conviction:				(23)							
(a) Section and Act under which convicted.				Parole							
(b) Sentencing authority,				Release	Period	Total number of days	Date of release	Date of surrender	Over-stayal	Authority for release	Remarks
(c) Date of sentence.				1	2	3	4	5	6	7	8
(d) Date of arrival in Prison.											
(e) Nature of Punishment (R. I./S. I.).											
(f) Length of sentence.											
(g) Solitary confinement and dates on which											
(g) Solitary confinement and dates on which it has been carried out.											
(h) Fine or sentence in default.											
15. Date of receipt of intimation of payment of fine from Magisterial authorities and amount.				1st							
(b) Date of receipt of fine by Jailor and amount.				2nd							
16. Date of release on expiry of sentence and/or on expiry of sentence in default or payment of fine.				3rd							
17. Date of release on part or full payment of fine.				4th							
18. Dat and result of appeals.				5th							
19. Date of A. B. and Result of A. B.				6th							
20. Due date of fourteen years' report.				7th							
21. Result of fourteen years report.				8th							
				9th							
				10th							
				11th							
				12th							
				13th							
				14th							
				15th							
				16th							
				17th							
				18th							
				19th							
				20th							
25. How disposed of (Date to be entered).				(24) Modification in date of release							
(i) Expiry of sentence.				Date	Nature	Authority	Period	Modified date of release	Initials of		
(ii) Payment of fine									Clerk	Judicial Jailor	Senior Jailor
(iii) Transfer to other prisons											
(iv) Bail											
(v) Remission											
(vi) Sickness or other grounds											
(vii) Transfer to Mental Hospital											
(viii) Escape											
(ix) Execution											
(x) Death											
(xi) Appeal											
16. Intended place of residence (to be entered when furnishing information to Police about habituals).											
27. Initials of Clerk:											
Judicial Jailor.											
Senior Jailor											
Superintendent.											

FORM II
(See rule 19)

Medical Officers' Journal

Serial No.	Date	Suggestions and observations of the Medical Officer	Orders of the Superintendent	Action taken by the Jailor and/or other official concerned
1	2	3	4	5

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 30th January, 1969.